

**Introduced by Senator Alarcon**

February 11, 2003

---

An act to add Section 3572.6 to the Government Code, relating to higher education labor relations.

LEGISLATIVE COUNSEL'S DIGEST

SB 160, as introduced, Alarcon. Higher education labor relations: University of California: service contractors.

Existing law establishes the University of California, and provides for its administration by the Regents of the University of California. Existing law, known as the Higher Education Employer-Employee Relations Act, contains provisions relating to employer-employee relations between the State of California and the employees of state institutions of higher education, including the various campuses of the University of California and the California State University, as well as the Hastings College of the Law. These provisions assign major responsibilities for implementation of that act to the Public Employment Relations Board.

This bill would, with respect to the provision at a new facility, as defined, of any service that previously was performed, or that could be performed, by an employee of the University of California, provide that the regents may use a service contractor, as defined, to perform this service only upon a showing of good cause, as defined. The bill would exclude "public projects" and "public works," as respectively defined, from the scope of its provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 3572.6 is added to the Government Code, to read:

3572.6. (a) (1) This section applies only to the University of California.

(2) This section does not apply to “public projects,” as defined in Section 22002 of the Public Contract Code, or “public works,” as defined in Section 1720 of the Labor Code.

(b) The purpose of this section is to establish standards for the use of service contractors at new facilities owned or operated by the University of California. For the purposes of this section, the following definitions shall apply:

(1) “Facility” means any campus, school, hospital, clinic, institute, laboratory, or office owned or operated by the university, or at which the normal educational or administrative functions of the university are conducted.

(2) “New facility” means a facility that opens or commences operation after January 1, 2003, excluding facilities that have been closed temporarily for seismic retrofit.

(3) “Representation unit” means a unit of employees of the university represented for the purpose of meeting and conferring by an employee organization certified as an exclusive representative within the meaning of subdivision (i) of Section 3562.

(4) “Service contractor” means a private individual (not employed by the university), corporation, unincorporated association, partnership, or other entity that, pursuant to a contract, provides services to the university at one or more facilities.

(5) “University” means the University of California and its governing body, the Regents of the University of California.

(c) Absent a showing of good cause, the university shall not use service contractors at any new facility to provide a service or function that is currently performed by employees of the university in one or more existing representation units. Good cause for the use of a service contractor shall require a showing by the university of one of the following factors:

(1) The contract is for a new function, and state law specifically mandates or authorizes the performance of the work by service contractors.

1 (2) The services contracted cannot be performed satisfactorily  
2 at the new facility by employees of the university.

3 (3) The services are incidental to a contract for the purchase or  
4 lease of real or personal property.

5 (4) The legislative, administrative, or legal goals and purposes  
6 of the university cannot be accomplished through the utilization of  
7 individuals employed by the university.

8 (5) A service contractor is required because a conflict of  
9 interest prevents an employee of the university from performing  
10 the services.

11 (6) The service contractor will provide equipment, materials,  
12 facilities, or support services that could not feasibly be provided  
13 by the university in the location where the services are to be  
14 performed.

15 (7) The service contractor will conduct training courses for  
16 which appropriately qualified instructors employed by the  
17 university are not available.

18 (8) The services are of such an urgent, temporary, or occasional  
19 nature that the delay incumbent in their implementation by  
20 employees of the university would frustrate their purpose.

21 (d) An employee of the university hired or assigned to work at  
22 a new facility shall be presumed to be part of any existing  
23 systemwide representation unit consisting of the same or  
24 functionally equivalent job classifications.  
25

